

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GERARDO LANDAVERDE)
RODRIGUEZ,)
Plaintiff,)
v.) Civil Action No. 17-10174-LTS
DON SHAPIRO PRODUCE CO., et al.,)
Defendants.)

ORDER

June 28, 2017

SOROKIN, D.J.

On May 4, 2017, the Court ordered Plaintiff Gerardo Landaverde Rodriguez, who is *pro se*, to “show cause why this case should not be dismissed against the Defendants who have not been served for failure to comply with Rule 4.” Doc. 10. The show cause deadline was May 22, 2017. Id. On June 9, 2017, the complaint was dismissed against all defendants except Don Shapiro Produce Company for failure to file proof of service and failure to comply with the Court’s show cause order. Doc. 12. Plaintiff was ordered to file a status report by June 26, 2017, regarding the status of his case against Don Shapiro Produce Company. Id.

As to Don Shapiro Produce Company, the Court’s records indicated that a summons was returned on March 29, 2017, with the proof of service showing that service was made on an agent for David Shapiro Produce Company. Doc. 9. However, the summons was incomplete because, except for the case caption, the summons failed to identify the name and address of both plaintiff and defendant. *Id.* Therefore, the summons is not effective.

Now before the Court is Plaintiff's two-page letter which the Court will treat as Plaintiff's status report. Doc. 14. Plaintiff explains, among other things, that after searching for a process server, he located a Sheriff that would serve the summons and complaint on Don Shapiro Produce Company. Id. Plaintiff explains that he does not understand many of the procedures and has tried to comply with the rules. Id. He has been unsuccessful in his attempts to receive legal advice and representation. Id.

Here, there is good cause for allowing plaintiff an extension of time to effect proper service on Don Shapiro Produce Company. There is no indication that plaintiff acted in bad faith or that his failure to comply with the Federal Rules of Civil Procedure was purposeful. Plaintiff attempted to provide prompt service, albeit unsuccessfully. Moreover, it seems that Don Shapiro Produce Company received actual notice of plaintiff's claims evidenced by the proof of service that was filed, despite the fact that the summons was incomplete. Thus, Plaintiff will be granted an extension of time to provide proper service.

For the foregoing reasons,

- (1) The clerk shall reissue a summons for Don Shapiro Produce Company; and
- (2) The time limit to effect service of the summons and complaint upon the defendant is enlarged to August 31, 2017 to provide proper service of process pursuant to Rule 4 of the Federal Rules of Civil Procedure.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge